UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.33
8 October 1992

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Second session

SUMMARY RECORD OF THE 33rd MEETING

Held at the Palais des Nations, Geneva
on Wednesday, 30 September 1992, at 3 p.m.

Chairman: Mrs. BADRAN

CONTENTS

System of documentation and information (continued)

Consideration of information required under each section of the reporting guidelines (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.92-17710 (E)

The meeting was called to order at 3.10 p.m.

SYSTEM OF DOCUMENTATION AND INFORMATION (agenda item 7) (continued)

1. The CHAIRMAN invited members to discuss the issue of the statistical indicators that might be of relevance to the Committee's work.

2. Mr. HAMMARBERG recalled that the Committee had been told that a meeting of treaty monitoring bodies would be held in December. It was important for the Committee to be represented at that meeting, which could give it valuable assistance.

3. The question of selecting and using economic indicators was extremely complex. The Committee was faced with two practical problems: how to relate its work on country reports to the plan of action requested by the countries at the World Summit for Children, which contained education and health targets for fixed periods of time; and, in connection with the reporting guidelines, what kind of statistics and indicators the Committee needed from States parties. Clearly, some Governments would not be able to produce detailed and accurate statistics. The Committee should therefore ask Governments to start to build up a system to obtain key information to allow them to monitor children's rights in their countries, with emphasis at first on the process rather than on specific figures.

4. He proposed that the Committee should examine its guidelines to decide the kind of information it had in mind under paragraphs 7, 9b, 17 and 23 of the guidelines.

5. Mr. MOMBESHORA said that statistical indicators were important in trying to assess the standard of living of children, but they had to be chosen carefully. Overall figures might be misleading in countries in which there were great extremes. It was therefore important to know to which sectors the data applied, with an analysis, for instance, by age, sex, race, rural or urban community. Care also had to be taken in interpreting indicators and it was essential to have data covering several years if they were to be used for assessment purposes. The method of collection also needed evaluation, since data could be manipulated to show better performance results. Obviously, comparability of statistics was indispensable.

6. Mrs. SANTOS PAIS said that the question had been raised in the Committee on Economic, Social and Cultural Rights as to whether indicators were needed only for economic, social and cultural rights. Under article 2 of the Covenant and article 4 of the Convention, States parties undertook to take steps to the "maximum" extent of their "available resources" to achieve the rights set out in those legal instruments. Indicators would show both States parties and the Committee the extent to which the core of those rights was being achieved. Other members' statements had confirmed her view that indicators should be used for other fields as well. However, indicators alone were not sufficient for the

Committee to assess the situation in a given country. The Committee should perhaps be more demanding and try to find out whether each child was enjoying its rights under the Convention.

7. Article 3 of the Convention stated that: "In all actions concerning children ... the best interests of the child shall be a primary consideration". She wondered whether it would be useful to draw that provision to the attention of States parties whose military expenditure was much greater than their expenditure to help children.

8. Mr. GOMES DA COSTA said that indicators for collective rights and the rights of the individual must be treated differently. As far as collective rights were concerned, government sources were fairly reliable, but comparability was needed in data on social expenditure, programmes for children and military expenditures. Account must be taken of national income distribution and regional disparities in the same country. A Government could always plead an adverse economic situation when it failed to implement collective rights, but its responsibility was complete in the case of rights of the individual such as those set out in article 37 of the Convention. It was impossible, for instance, to defend the trafficking and prostitution of children. The organizations of the United Nations family could help the Committee in its work on collective rights, but the main source of assistance regarding the rights of the individual would be the non-governmental organizations.

9. The question of indicators was indeed extremely complex. First of all, it was important to identify the questions that needed to be asked in order to find out how the rights of the child were violated in each case and to evaluate any progress. That was a political issue. The other matters - choice of data, sources, collection, evaluation criteria - were technical.

10. Mrs. BELEMBAOGO said that, in evaluating reports from States parties, the Committee should take account of factors such as natural disasters, which might affect a Government's headway in carrying out its programmes. As to Mr. Mombeshora's point concerning the need for data covering a number of years so as to allow the Committee to evaluate progress made, what should be the minimum period?

11. Mrs. SANTOS PAIS wondered whether legally the Committee could ask a State party for data relating to a period before its ratification of the Convention.

12. Mrs. BELEMBAOGO said that her question had in fact related to the period after ratification, but it might indeed be useful to have data on an earlier period so that any progress could be measured.

13. Mr. MOMBESHORA agreed that there would be no legal obligation on a State party to provide data for a period preceding its ratification of the Convention, but if the State party was a member of UNESCO or WHO it would have had to provide information and to introduce policies that could be monitored by statistics.

14. Mr. HAMMARBERG said that social indicators were no mere academic problem. They were needed to help the Committee in assessing reports from States parties and in dealing with those elements of the Convention that related to the level of resources. Articles 4, 24, 27 and 28 of the Convention contained wording which hinted that States parties were not expected to fulfil all their obligations under the Convention at once. The Committee's problem was to find a few selective indicators to enable it to engage in a meaningful discussion with Governments. In that regard the Committee had to recognize the interrelationship between civil and political rights and economic, social and cultural rights and the fact that those rights were universal. A child from a poor country had no fewer rights than a child from a rich country. However, Governments with problems of financial resources should be given some leeway and possibly even some assistance.

15. Although the Committee could not make blunt statements about the distribution of national resources, it could put questions that would encourage Governments to analyse their policies and provoke discussion in their countries.

16. Mrs. EUFEMIO pointed out that minimum standards were supposed to be laid down by States. How did universally applicable social indicators fit into that picture?

17. Mr. GOMES DA COSTA said that the issue of indicators was more of a technical problem. There were two basic questions. First, what were the most important indicators for evaluating a country situation? Second, what criteria should be applied to a report in order to determine whether the situation described in the report was acceptable?

18. Mr. KOLOSOV said that the issue was very complicated. Different countries had different methods of compiling statistics and establishing indicators. Geographical and economic differences made it impossible to adopt any minimum standard applicable to all. Since the situation in one country could not be compared with the situation in a neighbouring country, every analogy was dangerous. The only criterion that might be objective was the change which had taken place within the same State over a period of time. Thus, the Committee's real work would start with the consideration of the second round of reports, when the Committee came to review the changes that had taken place. In the meantime, the work done by the Committee in its early years would be recorded and future members would be grateful if the present members set meaningful initial indicators making it possible to assess how the situation had evolved.

19. Miss MASON said it was impossible for the Committee to do its work on a comparative basis. Every country must be taken as an entity on its own. The Committee must, however, make up its mind as to what it was looking for in each country.

20. Mr. MOMBESHORA said it was generally agreed that the question of statistics posed many problems. Every country was different and hence a comparison of data was not useful. Nevertheless, the Committee must obtain whatever information it could. Certain statistics, such as infant mortality

rates, were available internationally. If a country was lagging behind in any respect, the Committee could try to find out the reason and suggest that greater attention should be given to the area concerned.

21. Ms. GAMBLE-PAYNE (United Nations Children's Fund (UNICEF)) drew attention to the information provided in the State of the World's Children's report for 1992, which showed the progress made. Unfortunately, it did not cover all the provisions of the Convention, and any contribution the Committee could make to the elaboration of data or to the development of additional indicators would be appreciated. Other documents which might be of interest to the Committee were the national programmes of action prepared by countries in response to the World Summit for Children, whose Declaration and Plan of Action included a commitment to achieve certain goals in accordance with a timetable. Such data could be used to assess the progress made in specific areas over the next decade. UNICEF would be able to provide continuous updates on a country-by-country basis. Again, however, it should be borne in mind that the material did not cover all the provisions of the Convention.

22. Miss MASON pointed out that there were sometimes discrepancies between the data supplied by Governments, non-governmental organizations and specialized agencies and that it was important to decide which data the Committee would use and how it would judge that the correct data had been provided.

23. Mr. KOLOSOV observed that statistical data would be more useful if they were broken down by categories such as age, income group and urban and rural area. Some countries were in a position to do that and others were not. Statistical data from different countries would not be comparable, and the Committee would be faced with the dificulties arising from such differences when it came to consider the very first reports.

24. Mrs. SANTOS PAIS agreed that the issue was a very difficult one, but it was still possible for the Committee to arrive at some conclusions as to what kind of indicators should be used and to what extent. Indicators provided evidence of a general trend and might therefore be interpreted in too general a way. Nevertheless, they might also indicate the need for specific policies. If so, the Committee should intervene by making recommendations to States parties, considering their reports in an overall perspective and focusing on particular areas in which improvements could be made. It was very important to ascertain whether States parties had done enough to ensure that the minimum core of every right set forth in the Convention was being implemented in the light of available resources. States parties' reports should not be taken out of context, but in many cases information on the success or failure of programmes would be available from the different agencies operating in the country concerned. From the whole set of data obtained, the Committee could arrive at an independent evaluation of the situation, not to criticize but to encourage and to find specific ways of solving problems and of ensuring that every child enjoyed his or her rights in the best possible way.

25. Mr. GOMES DA COSTA said that, the Committee did need to have some criteria, such as on health and education allocations in the national budget, but it would be wrong to compare developed countries with developing countries. Comparisons between countries in similar circumstances might, of course, be useful. For example, income in Costa Rica was less than in Brazil but Costa Rica's infant mortality rate was three times lower. In the light of data of that kind, the Committee would be able to ask objective questions.

26. Miss MASON said that the Committee should not compare countries but approach its work on a country-by-country basis and see how each country was managing within the limits of its resources. The Committee would also have to decide whether to weight specific rights. For example, if a country was doing well in health care but not so well in education would the Committee recommend that expenditure on health be cut and reallocated to education?

27. Mr. HAMMARBERG noted that the question of how to deal with differing statistics was a problem for all treaty monitoring bodies. In the Human Rights Committee, for instance, some Governments had claimed that they held no political prisoners, whereas non-governmental organizations had thought otherwise. The Committee on the Rights of the Child should not attempt to establish the exact truth. It would not be comparing one country with another but assessing the degree of a country's compliance with the universal standards laid down in the Convention, taking into account that country's resources. Nevertheless, certain standards were minimum requirements and should be covered for all children everywhere. In its guidelines the Committee had requested Governments to provide statistics and it must have confidence that they would do so.

28. Mr. MOMBESHORA said that to compare one country with another would be unfair. However, the performance of countries in similar circumstances within the same region should also be similar; if any one country in a group differed substantially, it would be an indication that there might be problems.

29. Mrs. EUFEMIO noted that UNICEF was following up the progress towards the targets set in the national programmes of action adopted pursuant to the World Summit for Children. If the Committee added to that UNICEF information some data on the rights not covered by the programmes of action, it would have a basis for assessing the reports submitted by States parties. Comparisons between one country and another were perhaps not so important, there being universal standards against which each country's performance would have to be measured. The important thing was to compare the situation in each country in 1992 with the situation in five years' time, when each State party would have to demonstrate that progress had been made in the implementation of the Convention.

30. Miss MASON wondered whether there was any possibility of some members of the Committee attending the forthcoming seminar on social and economic indicators. If not, it might be possible to arrange for the chairman of the seminar to discuss the findings with the Committee or for the seminar's documents to be distributed to Committee members.

31. Mrs. SANTOS PAIS pointed out that the Committee had already adopted a recommendation to that effect, but at the time the dates of the seminar had not been set. As it happened, it would coincide with the Committee's meeting in December 1992 and, with members already in Geneva and hence no extra expense involved, some might usefully attend the seminar and report back to the Committee at the end of its December session.

32. The CHAIRMAN suggested that the question of assigning one or more persons to attend the seminar should be discussed informally.

33. It was so decided.

CONSIDERATION OF INFORMATION REQUIRED UNDER EACH SECTION OF THE REPORTING GUIDELINES (agenda item 9) (CRC/C/5)

34. After a brief procedural discussion in which Mr. MOMBESHORA, Mrs. SANTOS PAIS and Mr. HAMMARBERG took part, the CHAIRMAN suggested that the reporting guidelines should first be discussed section by section, to determine the kind of indicators that would reflect the real situation in any given country, and later discuss those indicators in the light of the country files.

35. It was so decided.

Section I: General measures of implementation (paras. 9, 10 and 11)

36. Mr. HAMMARBERG said that one point to consider was the extent to which section I should be stressed in comparison with other sections. Some members had considered it logical, as the Committee approached its first round of country reports, to place strong emphasis on the reporting process itself, to discover, for example, whether Governments had distributed the text of the Convention, whether the report being submitted had also been published, whether public discussion of the report had been possible, whether NGOs had been able to make any input and whether any procedures had been started to guarantee children's rights such as the appointment of a children's ombudsman or committee, and what steps had been taken to bring national legislation into line with the provisions of the Convention. If such emphasis were not placed during the first round of country reports, the intention behind the Convention might be weakened.

37. Mrs. SANTOS PAIS said that approach was fully in accord with the introductory part of the guidelines. It would emphasize the requirement that Governments should provide a comprehensive review of the measures they had taken and the need for frank criticism of their own progress. Furthermore, it would encourage interaction between the submitting Government and the people and might also encourage the Government to take such dialogue into account in future reports.

38. Mgr. BAMBAREN GASTELUMENDI said that, in practice, it would be very difficult for Governments to engage in dialogue with the people because many Governments would provide only partial information which the Committee would then need to supplement in some way.

39. Mrs. SANTOS PAIS said that the Committee should nevertheless continue to encourage dialogue between Governments and society. The Committee would not thereby be precluded from receiving information from other sources. It was very important that a report should reflect the country's realities and not be taken by Governments as an opportunity to gloss over the facts. Furthermore, people should be encouraged, through the participation of NGOs, to give the Government some feedback on such matters as the way in which the Convention was being implemented and disseminated, on the meetings held to make children aware of their rights, on the role of schools in teaching them how they might be expected to participate in the implementation process. The Committee would get a much broader picture of a country that way than if it relied simply on a set of government measures.

40. Mr. HAMMARBERG said that section I of the general guidelines reflected the spirit in which the Convention had been drafted. The tone was not in the least accusatory, the emphasis being rather on constructive dialogue and cooperation. In other words, the country reports were expected to be self-critical documents which would highlight problem areas for discussion.

41. Mrs. EUFEMIO endorsed Mr. Hammarberg's remarks, adding that it was important for the States parties to make their own assessment of how successful they had been in implementing the provisions of the Convention.

42. Miss MASON, referring to paragraph 11, wondered what degree of detail would be expected in the information provided by States parties as proof that their reports had been made widely available to the public at large in their own countries.

43. Mrs. SANTOS PAIS remarked that it was the first time that provisions along the lines of paragraphs 10 and 11 had been included in an international human rights instrument. They therefore had a very specific meaning. Under paragraph 10, States parties were expected to provide examples of the different types of "appropriate and active" measures adopted to make the Convention widely known. Paragraph 11 called for transparent policies on the part of the States parties, which should take all the necessary steps to ensure that the report would be available for public scrutiny. Some States parties might publish their report prior to its submission to the treaty body. Others might prefer to await the results of the Committee's examination and publish its comments together with the report.

44. Mr. KOLOSOV, referring to paragraphs 10 and 11, said that one important indicator of the efforts States parties had made to disseminate the Convention would be the availability of the Convention in local languages. Another vital

factor was the need for the Convention to be made continuously and regularly available to the general public, by whatever means possible. The publication of the text in a national newspaper on one occasion would not suffice.

45. Mr. HAMMARBERG said he agreed with Mr. Kolosov. His own interpretation of paragraph 10 was that Governments should undertake an intensive programme of information on the Convention that should include an element of analysis. Furthermore, the reference to "adults and children alike" implied that educational establishments should also play a role in that endeavour. As to the intention behind paragraph 11, a useful cross-reference could be found in paragraph 3, which underlined the importance of popular participation.

46. One problem he anticipated was that States parties, in justifying failure to implement certain measures, might claim that the mass media, as independent entities, were entitled to broadcast and publish the material of their choice. It also had to be admitted that newspapers were generally unwilling to publish very long texts. None the less, the very least that could be expected of States parties under paragraphs 10 and 11 was that they make the report available, in the local language, prove that it had been placed at the disposal of the media, publish it in the official gazette or similar publication, and ensure regular publication or dissemination.

47. Mr. KOLOSOV noted that, according to paragraph 7, annexes to country reports would not be translated That raised a particular problem in the case of his country's report, which contained an extensive annex on national legislation relating to children's rights. In such circumstances, he would question the Committee's ability to assess the extent to which the requisite measures had been implemented. Furthermore, from the practical standpoint, he wondered how the Committee would deal with the matter.

48. Mrs. SANTOS PAIS said that, as indicated in paragraph 7, the body of the report should provide essential information and so the annexes need only be referred to in the case of particular queries. Moreover, when the reports were finally submitted for consideration, members of the respective national delegations should be ready to reply to the Committee's questions. As for the particular case of Mr. Kolosov, although he would not be able to participate in the discussion, during the preparatory meeting for the consideration of the Russian report he might well be requested to read or explain certain passages from the annexes.

The meeting rose at 5.55 p.m.